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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,598	09/12/2001	Tim Goldstein	10007811-1	8279

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HEWLETT-PACKARD COMPANY
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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,598

Applicant(s)

GOLDSTEIN ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,13-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-9,13-17and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 5-9, 13-17 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 5, 7-9, 13, 15-17, 20, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328.**

In regard to claim 1, Chen, US 6,552,744, discloses a digital camera (see figure 1), comprising:

means for merging at least two image of a scene to form a merged image (see figure 1, elements 19), the at least two images including different views of the scene (see column 6, lines 15-23);

means for storing (see figure 1, element 25) at least at least two images in memory and provides at least two images for merging, responsive to the at least two images being captured (see column 6, lines 39-55).

The Chen reference does not disclose a means for cropping the merged image.

Burt et al., US 5, 999,662, discloses a means for cropping a merged or mosaic image (see figure 5, element 504 and column 11, lines 8-10 and 25-26).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, to have a means for cropping a merged or mosaic image, in order for the user to easily control the selection of a portion of the image to view.

The Chen and Burt references do not disclose a means for storing an uncropped portion of the merged image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted such that the cropped portion of the merged image is not stored in memory of the digital camera.

Ishihama et al., US 5,557,328, discloses a digital camera comprising:

means for storing an uncropped portion of the merged image wherein, subsequent to cropping of the merged image, the uncropped

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portion is stored by the means for storing and a corresponding cropped portion is deleted such that the cropped portion of the merged image is not stored in memory of the digital camera (see figure 3 and column 4, lines 32-35: The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, to have a means for storing an uncropped portion of the displayed image wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted such that the cropped portion of the merged image is not stored in memory of the digital camera, in order to save memory space.

In regard to claim 2, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera and method of controlling the operation of the camera recited in claim 1. The Ishihama reference discloses further comprising means for deleting a cropped portion of merged image (see column 4, lines 30-32: The uncropped portion is deleted when the image is cropped or zoomed in).

In regard to claim 9, Chen, US 6,552,744, discloses a method of controlling the operation of the camera, comprising:

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storing, in memory of the digital camera, at least two captured images representing different image views of a scene (see column 6, lines 15-23);

merging, in the digital camera, at least two captured images to form a merged image (see column 6, lines 39-55);

displaying the merged image on a display of the digital camera (see column 6, lines 45-48).

The Chen reference does not disclose storing, in memory of the digital camera, an uncropped portion of the merged image.

Burt et al., US 5, 999,662, discloses a means for cropping a merged or mosaic image (see figure 5, element 504 and column 11, lines 8-10 and 25-26) and storing the image process merged image in memory (see figure 8 and column 14, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, to crop a merged or mosaic image and store, in memory of the digital camera, an uncropped portion of the merged image, in order for the user to easily control the selection of a portion of the image to view and save, thus saving memory by only saving the desired portion of the image.

The Chen and Burt references do not disclose deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory.

Ishihama et al., US 5,557,328, discloses a digital camera as described above in regard to claim 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory, in order for the user to easily control the selection of a desired portion of the image to view and to save memory space.

In regard to claim 17, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the camera and method for controlling the operation of the camera of claims 1 and 9 as described above, the computer readable medium is also disclosed with the features of claim 17 (see Chen figure 1, element 24).

In regard to claims 5, 13, and 20, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Chen reference discloses wherein the at least two images of the scene are captured sequentially in time (see column 6, lines 15-19).

In regard to claims 7, 15, and 22, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital

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camera, method of controlling the operation of the camera, and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Chen reference discloses wherein said at least two images have an overlapping image field (see figure 3).

In regard to claims 8, 16, and 23, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, 17 respectively. The Chen reference discloses wherein said at least two images have substantially the same image field (see figure 3).

5. Claims 6, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, as applied to claims 1, 9, and 17 above and further, in view of Weldy et al., EP 0858208.

In regard to claim 6, 13, and 21, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera recited in claims 1, 9, and 17. The Chen, Burt and Ishihama references do not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, and further in view of

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Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



VIVEK SRIVASTAVA
EXAMINER